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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,  
Plaintiff,  
v.  
ROBERT SWANN MUELLER, *et al.*,  
Defendants.

Case No. [18-cv-03097-SI](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DENYING  
PLAINTIFF'S REQUEST FOR A  
TEMPORARY RESTRAINING ORDER  
AND DISMISSING CASE**

Re: Dkt. Nos. 1, 8

*Pro se* plaintiff Larry Richards filed a complaint and motion for a temporary restraining order on May 24, 2018. Dkt. No. 1. Magistrate Judge Corley granted plaintiff's request to proceed *in forma pauperis*, Dkt. No. 6, and in an order filed August 2, 2018, found that the complaint failed to state a claim pursuant to 28 U.S.C. § 1915(e)(2). Dkt. No. 7. Judge Corley granted plaintiff leave to file an amended complaint within 30 days of the August 2 order. Plaintiff did not file an amended complaint.

On October 10, 2018, Judge Corley issued a Report and Recommendation recommending that this case be reassigned to a district court judge and that the case be dismissed. This case was reassigned to the undersigned judge the same day. Plaintiff's objections to the Report and Recommendation were due by October 29, 2018. *See* Fed. R. Civ. Proc. 6(d). Plaintiff did not file an objection and has not taken any action in this case since filing the complaint.

The Court ADOPTS the Report and Recommendation and DISMISSES this case without prejudice for the reasons stated in the Report and Recommendation. The Court also DENIES

1 plaintiff's motion for a temporary restraining order.  
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3 **IT IS SO ORDERED.**

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5 Dated: October 30, 2018  
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SUSAN ILLSTON  
United States District Judge